



- WORK NOTES -

ADMINISTRATIVE
RECORD

EPA O&M Meeting –3rd meeting

April 7, 2004

Venture Fireside Room

The Operations and Maintenance Team members present: Ron Anderson, Jim Christiansen, Sandra Johnson, Alan Stringer, and Dan Thede. Peggy Churchill from the EPA, Denver office visited us. Bob Beagle also joined the group to discuss renter's policies. Facilitator: Sandy Matheny

AGENDA

1. Check for continuous involvement of stakeholders not present.
2. Discuss/'finalize' the Completion letter.
3. Continue Renter's disclosure process discussions.
4. Discuss "What do I do if I bump into vermiculite?" (Because of the fire on Mineral Avenue, this changed into a timely discussion of "What to do when a structure burns down?")

Operating Guidelines (From Feb and March meetings)

- The overall purpose of the group is to generate and thoroughly discuss ideas
- Focus will be on what *will or could be*, not on what *was or should have been*
- Make this creative, fun
- Look for several "right" answers
- Common rules of Courtesy apply
 - On time – starting and ending
 - Air time respected
 - Listening to hear
 - Honesty with Tact

Three guidelines were added:

- Keep in mind the "general public" in all our discussions – What information needs to be transferred, to who and how?
- Bring in expertise as needed.
- We will respond to the media from our own points of view, keeping in mind those may differ from other members at the table. In general, Wendy and Jim will handle requests from and responsibilities to the media.

Continuous Involvement of Stakeholders not present

This discussion generated an awareness of the need to involve those not at the table – whether they be those we work for, or with, or other ‘neighbors’ – anyone with an interest that is, or may be touched in our dealings.

Jim will draft a couple of paragraphs that give us all something to talk from when working with others (e.g. media, neighbors, groups and organizations, et. al.).

This conversation will probably be kept in front of us in some way through out the process. I'll bring the flip charts to at least one more meeting.

Completion Letter Discussion

The ‘final’ letter stood as written. (I'm not sure we answered this question: Who will have access to what data and how will it be accessed?) This is our first ‘deliverable’.
Celebrate.

Renter's Disclosure Process/Policy Discussion

Thanks to Bob Beagle for joining us for this dialogue. Donna Hall was called out of town.

The problem defined: Renters are not being notified of vermiculite presence and in what form. (Changed slightly from March notes).

Ensuing discussion covered several facets of the problem (from March Notes):

- Enforcement? Who brings action?
- Who issues the advisory, if any? (“This property is located in the Libby Superfund Site. Contact EPA @ _____”)?
- Is the onus on the landlord, renter, county, city?
- What is the liability? IS there a liability?
- State's (changed from ‘county’ in March notes) Landlord/Tenant Act may assist us. In general: ‘known conditions’?
- What about welfare housing recipients? Health Board?
- Whatever happens, it needs to be systematic (e.g. advance notice before rental agreement is signed.)

Additional items brought forward this time (April 7):

- Risk assessment and expanded vs unexpanded were brought up. Responsibility as citizens/owners was noted.
- Early notification is problem.
- No focal point/organization – many owners for many rentals.
- What is the motivation to notify?

Some ideas for next time: Subsidized rental situations provide some opportunity to work through HUD, State Share and Health and Human Resources programs. Notices can be posted at a few likely locations and ads in the local papers may be an option.

Actions needed:

1. Ron and Sandy will talk with Kathy Kinsey about joining us for the next meeting to discuss using the rental subsidy avenue to contact landowners and renters.
2. Jim will cost out using an ad in the local papers (both Western news and Montanian) and draft wording, if feasible. He will also check on using a permanent space on a couple community bulleting boards (e.g. Empire, IGA, Chamber of Commerce and Cities of Troy and Libby).
3. Sandy will contact Donna Hall again.

Policy for Burned Structures AND What do I do When I Run Into the Stuff?

Conversation included:

- Importance of working with Fire people in both Libby and Troy. There is a concern for lack of awareness of need to take precautions.
- EPA's emergency response contract is being completed and will be in place for future situations.
- Disposal of the material needs to be addressed.

Actions needed:

1. Jim will provide a letter to the fire departments with a list of properties known to contain vermiculite.
2. Jim will also bring some example ordinances from other sites.

NEXT MEETING

May 12th, 7:00 am – 9:00 am in the Fireside Room at the Venture.

Agenda:

- Continue Stakeholder discussions.
 - Ongoing dialogue about Renter's notification process. This will include discussion with Kathy, a look at potential notification venues (bulletin boards, newspapers) and wording.
 - Burned structure procedures.
 - Continue discussion addressing: "What do I do if I bump into the material?"
-

TO STAY ON TRACK: Following are the issues we listed at the 1st meeting.

Short Term Issues

1. **ON BOARD** - System for Renters – (Association of Landlords? Disclosure if you sign a lease? Transaction process for buyers is basically in place)
2. **DONE!** EPA's Cleanup Completion Letter can assist in property transfers. What can/should the letter say about:
 - Material left in the home?
 - If it's not known whether material is left in the home?
 - The form of vermiculite remaining?

EPA is drafting a letter for the group to discuss.

3. **ON BOARD** - What to do if you 'bump' into vermiculite? (e.g. Gas stations, new sewer lines, boat ramp, new construction, etc.) The response to this while EPA is here is easier, later on is the key. Who is in charge later? How much is discovered and what is acceptable? How is this regulated? Local ordinance?
4. How do I live with this stuff right now? How do we deal with dust, remodeling, demolition, and transportation issues. Need simple and practical responses. What are acceptable levels and what becomes the long-term answers?
5. **ON BOARD** -Demolition – This is a short term and a long term issue. How do I stay safe and legal? What about when the structure burns down. What is "allowed"? Non-detect? Air testing costs? Certified inspector costs?
6. **HEPA Vacuum Program** – Need to discuss thoughts, changes, suggestions.
7. Tracking costs for later use.
8. Remodeling issues.

Long Term Issues

1. Ensure capacity of the Asbestos cell.
2. Management of the asbestos cell in perpetuity (ground water containment, etc.) State will have to make assurances. Tripartite agreements are often used.
3. New discoveries of contamination. What mechanisms are in place? Level of response? Who makes the determination? Participation by State, County, Cities, Grace?

4. Documenting contamination EPA leaves behind. (A property-specific GIS database is being kept. Historical tracks of what's been done – a sort of "Go To" database for fires, remodeling, etc.).
5. Design a program for what to do with it. (And what if I'm doing it myself?)

And.... So we don't lose these thoughts:

There was general discussion regarding O&M complications with Libby site. Land use restrictions, institutional controls, local ordinances, access restrictions, containment structure management. Who funds, who oversees, when does the State become responsible, assurances, 10% match requirements, recoverable costs?